

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

SIMMS SHOWERS LLP
201 International Circle, Suite 230
Hunt Valley, Maryland 21030

Plaintiff,

V.

Case No.

MICHAEL JONES
100 Yards North from the Space
San Jan del Sur
Nicaragua 25203571

Defendant.

COMPLAINT

The Plaintiff, Simms Showers LLP (“Simms”), through counsel, for its complaint for declaratory action states as follows:

1. This is an action for declaratory relief pursuant to 28 U.S.C. § 2201 wherein Plaintiff seeks a declaration that the claims that have been made by Michael Jones against the Plaintiff were properly assets of a bankruptcy estate for which Michael Jones received a discharge, and therefore Michael Jones cannot assert any such claim in any forum, and that the claims asserted fail to state a cause of action.

2. The Plaintiff Simms is law firm organized as a Maryland Limited Liability Partnership with its principal place of business in Baltimore County, Maryland. Simms' partners are Maryland and Virginia citizens.

3. The Defendant is a resident and citizen of Nicaragua.

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(b) as

there is complete diversity of citizenship between the Plaintiff and the Defendant, and as the Defendant has asserted that the damages owed by exceed \$75,000.00.

5. Venue is appropriate as the tortious conduct alleged by the Defendant to have been committed by Simms arose in Maryland, in the context of representation and proceedings before the United States District Court for the District of Maryland and the for the United States Bankruptcy Court for the District of Maryland.

COUNT I
DECLARATORY JUDGMENT

6. Simms, as attorney for Bluebell Business Limited, filed a breach of contract action against the Defendant in this Court on July 13, 2017 (Case No. 1:17-cv-02150 RDB). The action arose from an effort to collect on a foreign judgment entered against the Defendant.

7. The Defendant filed a Chapter 7 petition in the United States Bankruptcy Court for the District of Maryland (Petition No. 18-25698) on November 29, 2018. The breach of contract action was stayed during the pendency of the bankruptcy proceeding filed by the Defendant.

8. On August 24, 2021 Bankruptcy Court entered order discharging the Defendant, and the final decree was entered on September 21, 2021.

9. On November 16, 2021 the Defendant moved to lift the stay in the breach of contract action, and on November 23, 2021 Simms' attorney moved to withdraw.¹

10. On September 30, 2023 the Defendant by electronic mail delivered to Simms

¹ The only action taken by Simms after the Motion to Withdraw was filed was to submit a status report as ordered by the presiding Magistrate Judge.

correspondence demanding \$100,000.00, allegedly as a result of Simms’ allegedly tortious conduct arising from its representation of Bluebell in the prior breach of contract and bankruptcy actions.²

11. In his correspondence the Defendant noted his intent to bring legal action against Simms for malicious prosecution, abuse of process, and intentional infliction of emotional distress.³

12. The Defendant also indicated that the failure to respond within fifteen days would “necessitate the initiation of appropriate legal proceedings”.⁴

13. Finally, on October 17, 2023 the Defendant informed Simms’ representative that he was preparing a complaint and inquired as to the “appropriate address for service”.⁵

14. Any claims that the Defendant may have against Simms for allegedly tortious conduct arose before the Defendant was granted a discharge in bankruptcy, and were properly the claims of the bankruptcy estate.

15. The Defendant did not declare or identify any such claims in his filings.

16. Further, as Simms’ allegedly tortious actions occurred in the context of representation of a party before this Court, there is a sufficient nexus between the acts and this Court that the Court should entertain entering a declaration of the rights and legal relations of these interested parties.

² Exhibit 1 [Correspondence dated September 30, 2023].

³ *Id.*

⁴ *Id.*

⁵ Exhibit 2 [Correspondence dated October 17, 2023].

17. The pendency of the Defendant's soon-to-be-filed lawsuit against Simms is an actual controversy sufficient to satisfy the requirements of 28 U.S.C. § 2201.

WHEREFORE, the Plaintiff Simms Showers LLP requests that this Honorable Court entered judgment declaring that the claims asserted by the Defendant Michael Jones were properly the subject of the bankruptcy estate, and that having received a discharge, cannot be asserted in any forum, that such claims fail to state a claim upon which relief may be granted, and for such other relief as this Honorable Court deems just and proper.

Respectfully submitted,

DeCARO, DORAN, SICILIANO,
GALLAGHER & DeBLASIS, LLP

/s/ Mark A. Kohl #16890

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